

**STATE OF ARIZONA**  
**CITIZENS CLEAN ELECTIONS COMMISSION**

MUR: No. 04-0077

RECOMMENDATION OF EXTERNAL INVESTIGATIVE CONSULTANT

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On behalf of the Citizens Clean Elections Commission (“Commission”), the External Investigative Consultant hereby provides his recommendation that MUR. No. 04-0077 be dismissed.

**I. Procedural Background**

As a result of the findings contained in the randomly selected audit from Miller, Allen & Co. of the candidate’s Post-Primary campaign finance report, an internally-generated complaint was filed against Jeff Dial (“Respondent”), a participating candidate for State Representative, District 20. The complaint, originally filed on August 31, 2005, alleged that Respondent violated R2-20-703(A)(3) by purchasing fixed assets with a value in excess of \$600.00. Respondent responded to the complaint on September 12, 2005, and offered an explanation for the fixed asset purchases that were deemed acceptable by the External Investigative Consultant.

While reviewing the campaign finance reports as a result of the complaint and audit, the internally-generated complaint was amended by the External Investigative Consultant on October 4, 2005 to allege that the Respondent violated A.R.S. 16-948(C) by failing to identify on his campaign finance reports the full name and street address of persons providing goods and services to his campaign. Exhibit A.

Respondent responded to the amended complaint on October 24, 2005, however the respondent did not sufficiently explain the payments in question. Exhibit B. On October 28, 2005 the Commission found reason to believe violations of the reporting requirements of A.R.S. 16-948(C) occurred. Exhibit C.

**II. Alleged Violations**

Respondent’s originally filed campaign finance reports showed the following expenditures to Constantin Querard:

8/10/04	\$ 1363.00	Campaign Literature
8/14/04	\$ 50.25	Calling
9/01/04	\$5,600.00	Campaign Literature
9/02/04	\$2,172.80	Campaign Literature
9/02/04	\$1,925.00	Campaign Literature
9/02/04	\$3,450.00	Campaign Literature

9/02/04	\$1,560.00	Campaign Literature
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They also showed that the campaign committee received a refund from Mr. Querard on 9/05/04 of \$1,700.00, without attributing it to any particular expenditure.

In response to the order of compliance issued on November 18, 2005, Respondent agreed to amend his report by January 6, 2006 to include the proper documentation of expenditures required under the provisions of A.R.S. 16-948(C). On January 6, 2006, Respondent requested additional time to amend his campaign finance report since he was waiting on detailed information from his consultant. Respondent agreed to amend his report by January 17, 2006. Exhibit D.

### **III. Recommendation**

As External Investigative Consultant, I am satisfied with the level of detail in the amended campaign finance report provided by the Respondent which is required under the provisions of A.R.S. 16-948(C). Accordingly, I recommend to the Commission that the Matters be dismissed.

Dated this 19<sup>th</sup> day of January, 2006

By: \_\_\_\_\_  
L. Gene Lemon, External Investigative Consultant